

EXHIBIT A

STATE OF MICHIGAN
IN THE 37TH CIRCUIT COURT FOR THE COUNTY OF CALHOUN
161 E. Michigan Avenue, Battle Creek, MI 49014-4015
(269) 969-6518

JACK BRANDT, an individual,

Plaintiff,

Case No. 2019-8888888125-CZ

vs.

Hon. John A. Hallacy

COUNTY OF ST. JOSEPH, a
public body,

Defendant.

William F. Piper (P38636)
William F. Piper, PLC.
Attorney for Plaintiff
1611 W. Centre Ave., Suite 209
Portage, MI 49024
(269) 321-5008
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Suzanne P. Bartos (P36490)
Cummings, McClorey, Davis & Acho, PLC
Attorneys for Defendant
17436 College Parkway
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FIRST AMENDED COMPLAINT

The plaintiff Jack Brandt, by and through his attorney William F. Piper, PLC., for his first amended complaint, states as follows:

JURISDICTIONAL ALLEGATIONS

1. The plaintiff Jack Brandt is a legally deaf adult male who resides in the Village of Colon, County of St. Joseph, State of Michigan, and he resided therein at all times relevant to this first amended complaint.

2. The defendant County of St. Joseph is a Michigan public body as defined in MCL 37.2101 that at all times relevant to this first amended complaint operated the county governmental functions, including the district and circuit courts, in the County of St. Joseph.

3. This action arises under the Elliott-Larsen Civil Rights Act, MCL 37.2101 et seq., and, specifically, MCL 37.2301 and MCL 37.2802, and Title II of the Americans With Disabilities Act.

4. This action arose in the County of St. Joseph, State of Michigan.

5. This action involves damages to the plaintiff that exceed \$25,000.00.

COMMON ALLEGATIONS

6. The plaintiff restates and realleges as though fully set forth herein paragraphs 1 – 5 of this first amended complaint.

7. On February 24, 2016 Jack Brandt was arrested on a misdemeanor battery charge, and he was taken to a cell for an arraignment via a monitor.

8. Mr. Brandt notified court officials, including the magistrate judge, that he was deaf and needed a qualified interpreter.

9. The court nonetheless proceeded with the arraignment, which Mr. Brandt did not understand.

10. During a scheduled pretrial on February 26, 2016, after Mr. Brandt again informed the court that he needed an interpreter, the court told him that an interpreter was not available.

11. Mr. Brandt appeared for court on February 29, 2016, but he was informed court could not proceed because there was no interpreter.

12. The court reset the pretrial for March 7, 2016.

13. The pretrial scheduled for March 7, 2016 had to be rescheduled because of the unavailability of an interpreter.

14. A pretrial was held on March 17, 2016

15. Mr. Brandt was arrested again on April 8, 2016.

16. Before an arraignment was scheduled on April 14, 2016 and adjourned, Mr. Brandt requested an interpreter.

17. On April 21, 2016 Mr. Brandt appeared in court for an arraignment.

18. The court had Mr. Brandt sign a document, but there was no interpreter available, and he did not understand what was happening.

19. An arraignment and pretrial for Mr. Brandt occurred on May 5, 2016 without the benefit of an interpreter, and Mr. Brandt did not understand what was happening.

20. Mr. Brandt pleaded guilty on June 3, 2016.

21. A sentencing date was set for August 2, 2016.

22. The court notified Mr. Brandt's father on August 1, 2016 of the need for another adjournment, but it did not notify the plaintiff.

23. As a result of the incidents described above, Mr. Brandt has suffered and continues to suffer increased expenses, inconveniences, vexation, frustration, emotional distress, a loss of enjoyment of life and other damages.

**COUNT I – DISABILITY DISCRIMINATION –
PLACE OF PUBLIC ACCOMMODATION**

24. The plaintiffs restate and realleges as though fully set forth herein, paragraphs 1-23 of this first amended complaint.

25. The defendant, and the courthouses it operates, are places of public service described in MCL 37.2301(b), and a local government entity as described in Title II of the ADA.

26. The defendant was required to provide qualified interpreters for the deaf during court services, as set forth in the Deaf Persons Interpreters Act, MCL 393.301 et. seq. and in federal law, specifically 42 U.S.C. §12131-12134.

27. Despite Mr. Brandt's repeated notice to the defendant of his need for interpreter services, the defendant repeatedly did not make such services available, as set forth above.

28. As a result Mr. Brandt appeared at numerous court appearances in which interpreter services weren't provided, or his case was delayed after an appearance, or both.

29. As a result of the events described above constituting disability discrimination, Mr. Brandt has suffered and will continue to suffer the damages set forth above.

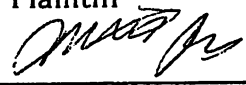
30. The defendant's conduct described above violates MCL 37.2302(a) and Title II of the AA, and it was intentional.

WHEREFORE, the plaintiff Jack Brandt requests a monetary judgment against the defendant in whatever amount above \$25,000.00 is sufficient to compensate him for his injuries and damages past and future; plus all in junctive and equitable relief, plus an award of costs, interest and reasonable attorney's fees.

Dated: June 14, 2019

WILLIAM F. PIPER, PLC.
Attorney for Plaintiff

By:


William F. Piper (P38636)

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CERTIFICATE OF SERVICE

The undersigned certifies that on the 14th day of June, 2019, she deposited into a regular United States Mailbox a copy of the **FIRST AMENDED COMPLAINT** addressed to counsel for defendant Suzanne P. Bartos, Esq. at her last known address of Cummings, McClorey, Davis & Acho, PLC., 17436 College Parkway, Livonia, MI 48152, with postage having been fully prepaid.

The undersigned further certifies that on June 14, 2019 she electronically served counsel for defendant Suzanne P. Bartos with a copy of the **FIRST AMENDED COMPLAINT** at her last known email address of sbartos@cnda-law.com.

Dated: June 14, 2019


Pamela Alling